

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

SAUNDRA REESE,

Plaintiff,

v.

19-CV-1698-LJV-MJR
DECISION & ORDER

FEDEX TRADE NETWORKS
TRANSPORT & BROKERAGE, INC.,¹

Defendant.

On December 20, 2019, the plaintiff, Sandra Reese, commenced this action under Title VII of the Civil Rights Act of 1964. Docket Item 1. On February 19, 2020, this Court referred this case to United States Magistrate Judge Michael J. Roemer for all proceedings under 28 U.S.C. § 636(b)(1)(A) and (B). Docket Item 7. On April 30, 2020, Reese moved to amend her complaint, Docket Item 12; on May 14, 2020, the defendant, FedEx Trade Networks Transport & Brokerage, Inc., responded, Docket Item 13; and on July 9, 2020, Reese replied, Docket Item 14. On October 28, 2020, Judge Roemer issued a Report, Recommendation, and Order (“RR&O”)² finding that the motion to amend should be denied insofar as it sought to add two new claims—Count IV (Retaliation) and Count V (Race Discrimination)—but otherwise granted.

¹ As noted in the RR&O, the defendant is incorrectly named in the complaint. The Clerk of the Court shall update the case caption accordingly.

² Because Judge Roemer denied a request to add new claims, effectively dismissing those claims, he fashioned his decision as a Report and Recommendation as to that request. See Docket Item 17.

Docket Item 17. The parties did not object to the RR&O, and the time to do so now has expired. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2).

A district court may accept, reject, or modify the findings or recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). The court must review *de novo* those portions of a magistrate judge's recommendation to which a party objects. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). But neither 28 U.S.C. § 636 nor Federal Rule of Civil Procedure 72 requires a district court to review the recommendation of a magistrate judge to which no objections are raised. See *Thomas v. Arn*, 474 U.S. 140, 149-50 (1985).

Although not required to do so in light of the above, this Court nevertheless has reviewed Judge Roemer's RR&O as well as the parties' submissions to him. Based on that review and the absence of any objections, the Court accepts and adopts Judge Roemer's recommendation to grant the motion to amend in part.

For the reasons stated above and in the RR&O, Reese's motion to amend, Docket Item 12, is GRANTED IN PART AND DENIED IN PART: the motion to amend the complaint to add Counts IV and V is denied but is granted in all other respects. The case is referred back to Judge Roemer for further proceedings consistent with the referral order of February 19, 2020, Docket Item 7.

SO ORDERED.

Dated: December 8, 2020
Buffalo, New York

/s/ Lawrence J. Vilardo
LAWRENCE J. VILARDO
UNITED STATES DISTRICT JUDGE